



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/020,483	12/12/2001	Edward O. Clapper	884.611US1	6788

7590 07/14/2006

Schwegman, Lundberg, Woessner & Kluth, P.A.
P.O. Box 2938
Minneapolis, MN 55402

EXAMINER

TRUONG, CAM Y T

ART UNIT	PAPER NUMBER
----------	--------------

2162

DATE MAILED: 07/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/020,483

Applicant(s)

CLAPPER, EDWARD O.

Examiner

Cam Y T. Truong

Art Unit

2162

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 5-30 are pending in this Office Action.

Response to Arguments

2. Applicant's arguments filed 4/17/2006 have been fully considered but they are not persuasive.

First, Applicant argued that Funaki does not explicitly teach "receives user's input that includes an ordered sequence of number of syllables".

In response to applicant's argument, this limitation is recited in the claims 5 and 27.

However, Funaki teaches "receiving a search string including an ordered sequence of syllable counts" as receives a searching string, i.e, the poem piece data bank. The apparatus matches the number of syllables is derived from the search string with the number of syllables of a given melody. The number of syllables of the search string is represented as an ordered sequence of syllable counts (col. 1, lines 20-22).

Second, applicant argued that "ordered sequence of syllable counts" is compared with the contents of a database of analyzed documents".

In response to applicant argument, Funaki teaches as matches the number of syllables is derived from the search string with the number of syllables of a given melody or each paragraph of a song or music. Each song is divided into a plurality of

Art Unit: 2162

paragraphs, set of words. These songs are not stored in a database (col. 1, lines 20-22). However, Berke teaches a database contains documents (col. 9, lines 57-60).

Third, applicant argued that a prima facie case of obviousness has not been established because motivation to combine Funaki and Berke is lacking.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Berke's teaching of uniquely identifying the single web site corresponding to said search criteria by examining said database for the unique combination stored in the database into Funaki's system in order to save time for users reading or search documents and eliminate displaying irrelevance document to a user.

Finally, applicant argued that the combination of Funaki in view of Berke and further in view of Wu and the combination of Funaki in view of Berke and further in view of Erickson fail to teach "ordered sequence of syllable counts".

In response to this applicant's argument, Funaki teaches receiving a searching string, i.e, the poem piece data bank. The apparatus matches the number of syllables is derived from the search string with the number of syllables of a given melody. The number of syllables of the search string is represented as an ordered sequence of syllable counts (col. 1, lines 20-22).

For the above reason, examiner believed that the previous office action was proper.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5-8, 10, 11, 13-15, 17, 20-22, 24 and 27-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Funaki (USP 6689946) in view of Berke (USP 6629094).

As to claim 5 and 27, Funaki teaches the claimed limitations:

"a computing device receiving a search string including an ordered sequence of syllable counts" as the apparatus receives a searching string, i.e, the poem piece data bank. The apparatus matches the number of syllables is derived from the search string with the number of syllables of a given melody. The number of syllables of the

Art Unit: 2162

search string is represented as an ordered sequence of syllable counts (col. 1, lines 20-22);

"comparing the ordered sequence of syllable counts with the contents of a database of analyzed documents" as matches the number of syllables is derived from the search string with the number of syllables of a given melody or each paragraph of a song or music. Each song is divided into a plurality of paragraphs, set of words. These songs are not stored in a database (col. 1, lines 20-22);

"each document comprising a plurality of words" as each song is divided into a plurality of paragraphs, set of words (col. 1, lines 15-23);

Funaki does not explicitly teach the claimed limitation "database; retrieving from the database a document uniquely represented by the search string".

Berke teaches uniquely identifying the single web site corresponding to said search criteria by examining said database for the unique combination stored in the database (col. 9, lines 57-60).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Berke's teaching of uniquely identifying the single web site corresponding to said search criteria by examining said database for the unique combination stored in the database into Funaki's system in order to save time for users reading or search documents and eliminate displaying irrelevance document to a user.

As to claims 6, 14 and 21, Funaki teaches the claimed limitation "in receiving, the search string includes a word in place of the word's syllable count" as (fig. 12).

As to claim 7, Funaki teaches the claimed limitation “the search string includes two words in place of each respective word's syllable count” as (col. 8, lines 40-45).

As to claims 8, 15 and 22, Funaki teaches the claimed limitation “the database comprises a plurality of records, each comprising an ordered listing of words and an ordered syllable count listing” as (fig. 9).

As to claims 10 and 17, Funaki teaches the claimed limitation “ in using, the input ordered sequence of syllable counts is matched with at least one corresponding ordered sequence of syllable counts within the database” as (col. 8, lines 5-50).

As to claims 11 and 29, Funaki does not explicitly teach the claimed limitation “displaying the document via the display”. Berke teaches displaying the web site that is represented as a document. This information indicates that the system has included a display for displaying the web site to a user (col. 6, lines 1-5).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Berke's teaching of displaying the web site to Funaki's system in order to allow a user can view and read information on a web site or a document.

As to claims 13 and 20, Funaki teaches the claimed limitations:

“receiving via the user interface a search string including an ordered sequence of syllable counts” as (col. 8, lines 5-30; col. 1, lines 20-22);

“comparing the ordered sequence of syllable counts with the contents of a database of analyzed document” as matches the number of syllables are derived from the search string with the number of syllables of a given melody or each paragraph of a song or music. Each song is divided into a plurality of paragraphs, set of words. These songs are not stored in a database (col. 1, lines 20-22);

“each document comprising a plurality of words” as each song is divided into a plurality of paragraphs, set of words (col. 1, lines 15-23);

Funaki does not explicitly teach the claimed limitation “database, retrieving from the database a document uniquely represented by the search string”. Berke teaches a document contains a plurality of words and uniquely identifying the single web site corresponding to said search criteria by examining said database for the unique combination stored in the database. Web site is represented as a document (col. 9, lines 57-60).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Berke’s teaching of uniquely identifying the single web site corresponding to said search criteria by examining said database for the unique combination stored in the database into Funaki’s system in order to save time for users reading or search documents and eliminate displaying irrelevance document to a user.

As to claims 24 and 28, Funaki teaches the claimed limitation "in using, the input ordered sequence of syllable counts is matched with at least one corresponding ordered sequence of syllable counts within the database" as (col. 8, lines 5-50).

5. Claims 9, 16 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Funaki (USP 6689946) in view of Berke (USP 6629094) and further in view of Erickson (USP 5765152).

As to claims 9, 16 and 23, Funaki and Berke discloses the claimed limitation subject matter in claim 8, 15 and 22, except the claimed limitation " each database record comprises a work from the group comprising a literary work, a song lyric, a dramatic work, a motion picture script, and an audiovisual script". Erickson teaches electronic media stored within the memory means, the media being a digital representation of at least one of (i) literary work, (ii) musical work, (iii) dramatic work, (iv) choreographic work, (v) pictorial work, (vi) audiovisual work, (vii) a sound recording, and (viii) architectural work (col. 28, lines 13-17).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Erickson's teaching of electronic media stored within the memory means, the media being a digital representation of at least one of (i) literary work, (ii) musical work, (iii) dramatic work, (iv) choreographic work, (v) pictorial work, (vi) audiovisual work, (vii) a sound recording, and (viii) architectural work to Funaki's system and Berke's system in order to allow a user to search/retrieve a media record.

6. Claims 12, 18, 19, 25, 26 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Funaki (USP 6689946) in view of Berke (USP 6629094) and further in view of Wu (USP 5991756).

As to claims 12, 19 and 26, Funaki and Berke disclose the claimed limitation subject matter in claim 11, 18 and 25, except the claimed limitation Funaki does not explicitly teach the claimed limitation “a plurality of documents are retrieved, and wherein the method further comprises: displaying the plurality of documents via the display”. Wu teaches displaying hypertext documents that indicates the system has included a display for displaying hypertext documents to a user (col. 1, lines 55-57).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Wu’s teaching of displaying hypertext documents to Funaki’s system and Berke’s system in order to allow a user can view and read information on a web site or a document.

As to claims 18 and 25, Funaki and Berke disclose the claimed limitation subject matter in claim 13 and 20, except the claimed limitation “displaying the document via the user interface. Wu teaches displaying hypertext documents that indicates the system has included a display for displaying hypertext documents to a user (col. 1, lines 55-57).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Wu’s teaching of displaying hypertext documents to

Funaki's system and Berke's system in order to allow a user can view and read information on a web site or a document.

As to claim 30, Funaki and Berke disclose the claimed limitation subject matter in claim 13, 20, except the claimed limitation "a display; wherein, in using, a plurality of documents are retrieved; and wherein the instructions, when accessed, result in the machine performing: generating a list of best-matched hits; and displaying the list of best-matched hits via the display". Wu teaches displaying hypertext documents that indicates the system has include a display for displaying hypertext documents to a user after searching terms in each candidates document (col. 1, lines 55-57; col. 2, lines 35-45).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Wu's teaching of displaying hypertext documents after searching terms in each candidates document to Funaki's system and Berke's system in order to allow a user can view and read information on a web site or a document.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Contact Information

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cam Y T Truong whose telephone number is. (571) 272-4042. The examiner can normally be reached on Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on (571) 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Cam-Y Truong
Primary Examiner
7/7/2006